

Practitioner's Docket No. MPI01-014P1RNM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|--------------------|---|------------|------|
| Re application of: | Curtis, Rory A.J., et al | Group No.: | 1645 |
| Application No.: | 10/050,216 | Examiner: | N/A |
| Filed: | January 16, 2002 | | |
| For: | 46798, A HUMAN MATRIX METALLOPROTEINASE AND USES THEREFOR | | |

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

RECEIVED
AUG 19 2002
TECH CENTER 1600/2900

The information disclosure statement submitted herewith is being filed:

☒ Within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

OR

☐ After three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Address"
Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Simonne Corriveau

(type or print name of person certifying)

Date: August 12, 2002

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

- (1) a final action under Section 1.113,
- (2) a notice of allowance under Section 1.311, or
- (3) an action that otherwise closes prosecution in the application

whichever occurs first.

☐ Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

☐ Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

☒ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

OR

☐ The information disclosure statement transmitted herewith is being filed *after* a final action under Section 1.113, or a notice of allowance under Section 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

☐ In accordance with the requirements of 37 C.F.R. Section 1.97(d):

A. ☐ Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

B. ☐ Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

C. ☐ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

FEE PAYMENT

3. ☐ The fee due is set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c) (\$180.00).

☒ Applicant believes no fee is due in connection with this submission.

| | | |
|--|---------|--------|
| | Fee due | \$0.00 |
| METHOD OF PAYMENT OF FEE | | |
| 4. <input type="checkbox"/> Attached is a check in the amount of \$ _____. | | |
| <input type="checkbox"/> Charge Account No. 501668 in the amount of | \$0.00 | . |

☒ A duplicate of this request is attached.

If any additional fees are due, please charge Account 501668.

| | |
|------------------------|---|
| <u>August 12, 2002</u> | MILLENNIUM PHARMACEUTICALS, INC. By <u>Tracy M. Sioussat</u> Tracy M. Sioussat Registration No. 50,609 75 Sidney Street Cambridge, MA 02139 Telephone - 617-374-7679 Facsimile - 617-551-8820 |
|------------------------|---|



Practitioner's Docket No. MPI01-014P1RNM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Curtis, Rory A.J., et al

Application No.: 10/050,216

Group No.: 1645

Filed: January 16, 2002

Examiner: N/A

For: 46798, A HUMAN MATRIX METALLOPROTEINASE AND USES THEREFOR

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☒ Copies of Listed Information Items Accompanying This Statement

RECEIVED
AUG 19 2002
TECH CENTER 1600/2900

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Address" Mailing Label No. _____ (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Simonne Corriveau

(type or print name of person certifying)

Date: August 12, 2002

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

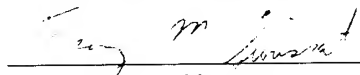
Copies of Listed Information Items Accompanying This Statement

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

August 12, 2002

MILLENNIUM PHARMACEUTICALS, INC.

By



Tracy M. Sioussat
Registration No. 50,609
75 Sidney Street
Cambridge, MA 02139
Telephone - 617-374-7679
Facsimile - 617-551-8820

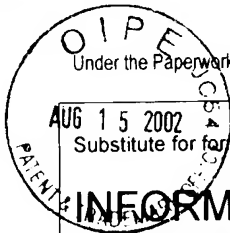
Please type a plus sign (+) inside this box → +

PTO/SB/08A (10-96)

Approved for use through 10/31/99 OMB 0654-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



AUG 15 2002
Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

| | |
|------------------------|---------------------------|
| Application Number | 10/050216 |
| Filing Date | January 16, 2002 |
| First Named Inventor | Curtis, Rory A. J. et al. |
| Group Art Unit | 1645 |
| Examiner Name | N/A |
| Attorney Docket Number | MPI01-014P1RNM |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document (MM-DD-YYYY) | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
| | | Number | Kind Code ² (if known) | | | |
| | A1 | 6,399,371 | B1 | Abbott Laboratories | 06-04-2002 | 5, 22, 40, 42, 43 and 44 |
| | A2 | | | | | |
| | A3 | | | | | |
| | A4 | | | | | |
| | A5 | | | | | |
| | A6 | | | | | |
| | A7 | | | | | |
| | A8 | | | | | |
| | A9 | | | | | |
| | A10 | | | | | |
| | A11 | | | | | |
| | A12 | | | | | |
| | A13 | | | | | |
| | A14 | | | | | |
| | A15 | | | | | |

RECEIVED
AUG 19 2002
TECH CENTER 1600/2909

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document (MM-DD-YYYY) | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|-------------------------|---------------------|-----------------------------------|---|--|---|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | B1 | WO | 01/10903 | A2 | Incyte Genomics, Inc. | 02-15-2001 | 23, 69, 78, 81, 86, 87 and 41 of Sequence Listing | |
| | B2 | WO | 01/90326 | A2 | Pharmacia & Upjohn Company | 11-29-2001 | 17, 19, 30, 53 and 3 of Sequence Listing | |
| | B3 | WO | 01/55428 | A2 | Smithkline Beecham P.L.C. | 08-02-2001 | 2-5, 8, 9, 22-24 and 1 of Sequence Listing | |
| | B4 | | | | | | | |
| | B5 | | | | | | | |
| | B6 | | | | | | | |

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

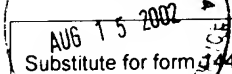
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation design number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.


 AUG 15 2002
 Substitution for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

| | |
|------------------------|--------------------------|
| Application Number | 10/050,216 |
| Filing Date | January 16, 2002 |
| First Named Inventor | Curtis, Rory A.J. et al. |
| Group Art Unit | 1645 |
| Examiner Name | N/A |
| Attorney Docket Number | MPI01-014P1RNM |

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published. | T ² |
|--------------------|-----------------------|---|----------------|
| | C1 | LOHI, J. et al. "Homo sapiens matrix metalloproteinase-28 precursor, mRNA, complete cds" 26 March 2001 (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on August 5, 2002]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov > GenBank Accession No. AF219624. | |
| | C2 | MARCHENKO, G.N. et al. "Homo sapiens matrix metalloproteinase 28 (MMP28) mRNA, complete cds." 06 April 2001 (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on August 5, 2002]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov > GenBank Accession No. AF315683. | |
| | C3 | STRAUSBERG, R. "Homo sapiens, clone MGC: 4164 IMAGE:3610296, mRNA, complete cds." 12 July 2001 (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on August 5, 2002]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov > GenBank Accession No. BC002631. | |
| | C4 | BIRREN, B. et al. "Homo sapiens chromosome 17 clone RP11-689E22 map 17, WORKING DRAFT SEQUENCE, 8 unordered pieces." (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on August 5, 2002]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov > GenBank Accession No. AC023247. | |
| | C5 | SOUTHAN, C. et al. "Homo sapiens matrix metalloprotease MMP25, mRNA, complete cds." (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on August 5, 2002]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov > GenBank Accession No. AF330002. | |
| | | | |
| | | | |
| | | | |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation design number. ²Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.